

Wong -- Appln. No.: 10/071,802
Appeal Brief

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Alvin WONG

Serial No.: 10/071,802

Filed: February 6, 2002

For: SUPPLIER PERFORMANCE REPORTING



Atty. Docket No.: 005222.00343

Group Art Unit: 3623

Examiner: Johnna Stimpak

Confirmation No.: 2854

APPEAL BRIEF

U.S. Patent and Trademark Office
Customer Service Window
Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This is an Appeal Brief in accordance with 37 C.F.R. § 41.37 in support of Appellant's April 5, 2005, Notice of Appeal. Appeal is taken from the final Office Action mailed November 5, 2004 (hereafter, "Final Office Action"). Please charge any necessary fees in connection with this Appeal Brief to our Deposit Account No. 19-0733.

REAL PARTY IN INTEREST

37 C.F.R. § 41.37(c)(1)(i)

The owner of this application, and the real party in interest, is Accenture Global Services GmbH.

RELATED APPEALS AND INTERFERENCES

37 C.F.R. § 41.37(c)(1)(ii)

There are no related appeals and interferences.

07/05/2005 MBEYENE1 00000006 190733 10071802
02 FC:1402 500.00 DA

STATUS OF CLAIMS

37 C.F.R. § 41.37(c)(1)(iii)

Upon entry of the accompanying amendment, claims 1-31 and 47 are pending and rejected.

Appellant hereby appeals the rejection of claims 1-31 and 47.

STATUS OF AMENDMENTS

37 C.F.R. § 41.37(c)(1)(iv)

An Amendment filed herewith cancels claims 32-46, which were previously withdrawn. The Claims Appendix represents the claims involved in the appeal based on entry of the Amendment filed herewith.

SUMMARY OF CLAIMED SUBJECT MATTER

37 C.F.R. § 41.37(c)(1)(v)

In making reference herein to various embodiments in the specification text and drawings in order to explain the claimed invention, Appellant does not intend to limit the claims to those embodiments; all references to the specification and drawings are illustrative unless otherwise explicitly stated.

The present invention is directed to a system and method for reporting supplier on-time performance. (Specification, p. 1, lines 5-6). Supplier on-time performance is typically reported as a percentage of orders that are delivered within a specified period of time with respect to a standardized start point and end point. (Specification, p. 1, lines 7-9). Typically, the possible start points used for measuring delivery time include: the time at which the buyer placed the order, the time at which the supplier received the order, and the time at which the supplier confirmed the order with the buyer. (Specification, p. 1, lines 13-17). In any event, existing supplier performance reporting systems generally pick a single start point and a single end point to use as the standardized start and end points for determining the time period against which to measure whether or not a delivery is on time."(Specification, p. 2, lines 7-10).

In contrast, aspects of the present invention provide for reporting of on-time performance relative to a *plurality* of order start point / end point pairs. (Specification, p. 3, lines 9-11). This provides a great deal of flexibility in providing useful customized reports for each supplier.

Fig. 1 of the specification is a system level view of an illustrative system 10 that tracks on-time performance and produces reports. System 10 receives either basic or summarized purchase order data, such as shown in Fig. 2a, from various suppliers. (Specification, p. 6, lines 10-13). If basic purchase order data is received, it may be converted to summarized purchase order data, such as shown in Fig. 2b, using the illustrative process shown in Fig. 3. (Specification, p. 6, lines 15-17).

Using the purchase order data, system 10 can generate reports such as the report 40 shown in Fig. 4. (Specification, p. 13, lines 3-4). Report 40 includes tables 40a and 40b that report on-time performance for a supplier S1. Each table includes data for on time performance with respect to a plurality of start point / end point pairs. (Specification, p. 13, lines 4-8 and 16-18). For instance, with respect to the start point / end point pair OS-CFD (which stands for the “order sent” – “customer final destination” pair), forty-five orders were placed and 13% of those orders were considered on time as measured with respect to the particular OS-CFD start point / end point pair. (Specification, p. 13, lines 10-11). Also, according to the same report, eight hundred ninety-four orders were placed, and eighty-five percent of those orders were considered on time as measured with respect to the particular OC-SRD start point / end point pair (which stands for the “order confirmed” – “destination transport onboard” pair). (Specification, p. 13, lines 11-12). Thus, report 40 includes the number of orders delivered on time by a supplier with respect to each of a plurality of start point / end point pairs. In the example of Fig. 4, the number of orders is shown as a percentage for each start point / end point pair. Fig. 5 shows an illustrative process for deriving performance reports (such as the report of Fig. 4) from the summarized purchase order data. (Specification, p. 14, lines 3-5).

Figs. 6 and 7 have to do with reject performance reporting, and the prediction of whether an order reject is cause by the supplier or by the customer. (Specification, p. 4, lines 18-22).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

37 C.F.R. § 41.37(c)(1)(vi)

The grounds of rejection on appeal are:

- 1) Claims 1-8, 24-31, and 47 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,960,408 to Martin et al. (“Martin”).

2) Claims 9-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin.

ARGUMENT

37 C.F.R. § 41.37(c)(1)(vii)

1. Claims 1-8, 24-31, and 47 Are Not Anticipated by Martin.

The Final Office Action rejects claims 1-8, 24-31, and 47 as being anticipated by Martin. Appellant respectfully traverses this rejection for the reasons stated below.

Claims 1, 3, 4, 5, 7, 8, 24, 26, 27, 28, 30, 31, and 47

Independent claim 1 is directed to a method for reporting supplier on time performance. The claimed method includes generating on time performance reports including a number of orders delivered on time by a first supplier with respect to each of a plurality of start point/end point pairs. Claim 1 further requires that the start point correspond to a first point along an order fulfillment process and that the end point correspond to a second point along the order fulfillment process. Thus, both the start and end points are claimed as being along the order *fulfillment* process.

The Examiner attempts to compare the claimed start point corresponding to a first point along an order fulfillment process with either the placement of a customer order in Martin or with the customer-requested delivery date in Martin. Either way, Martin fails to anticipate claim 1.

The Examiner first compares the claimed start point with the placement of a customer order in Martin. The Examiner asserts that the order must be part of its fulfillment, for if there were no order placement, there would be no order fulfillment to take place. This is incorrect; the placement of an order cannot be part of the fulfillment of that same order. The Examiner's argument is analogous to arguing that a cause must be part of its effect, for if there were no cause, there would be no effect. Or, that a question must be part of its answer, for if there were no question, no answer would be offered. Of course, these assertions are based on faulty logic; they rely on non sequiturs. Likewise, as to the Examiner's assertion, the fact that fulfillment of an order can be expected to occur after the order is placed does not logically mean that the order

is part of the fulfillment of the order. Moreover, if the order were considered part of order fulfillment, this logically raises the question: what exactly is the order fulfilling? The order may be analogized with the offering of a cup. The fulfillment of that order would thus be analogous to the filling of that cup. But the offering of the cup and the filling of the cup are not the same. Similarly, the placement of an order is not part of the fulfillment of that order.

Interestingly, the Examiner further alleges in the Advisory Action of April 1, 2005, that Appellant has not explained how the claim language differs from Martin. Such an allegation is totally unfounded, in that the above argument for patentability (already made multiple times to the Examiner) clearly compares the actual language recited in claim 1 with Martin.

The Examiner further asserts that the customer-requested delivery date in Martin may be compared with the claimed start point. Even if this were a valid assertion, such an interpretation nonetheless fails to render claim 1 anticipated by Martin, for at least two reasons. First, a customer-requested delivery date can only be, at most, a single event¹. However, claim 1 recites that the start point is representative of a *plurality* of events triggering a start of a time period used to measure delivery time, and that each of the plurality of start point / end point pairs can be different from each other for at least one buyer. In this instance, it appears that the Examiner considers the customers in Martin to be comparable to the claimed buyers. However, Martin does not teach or suggest that a particular customer can choose more than one start point or more than one end point. Indeed, assuming that the customer-requested delivery date is considered the start point (as alleged by the Examiner), it appears that all customers in Martin use the same start point. Even if various customers request different delivery dates, these are all the same start point “event”: a customer-requested delivery date. For at least this reason, Martin fails to anticipate claim 1.

In addition, claim 1 recites that the on time performance reports include a number of orders delivered on time by the first supplier with respect to each of the plurality of start point/end point pairs. The only reports disclosed in Martin are shown at col. 5, lines 12-32, which are all reports for a given customer. (Martin, col. 5, lines 1-2, which states that “the

¹ Appellant does not presently take a position as to whether the customer-requested delivery date in Martin is even an event at all.

reports are generated . . . for each customer”; and col. 5, lines 10 and 18-19, which state that the reports are “for that customer.”). Each of the three reports in Martin include total shipments (either in dollars, units, or number of shipments), on-time shipments (again, either in dollars, units or number of shipments), and percentage on-time. Importantly, however, none of these reports include a number of orders delivered on time with respect to each of a plurality of start point/end point pairs. Indeed, according to the Examiner, there is only a single start point / end point pair: the customer-requested delivery date and the actual delivery date. (see Final Office Action, p. 4, lines 5-6).

Fig. 4 of Appellant’s specification shows an illustrative report consistent with claim 1. In contrast with the reports of Martin, the report of Fig. 4 shows a number of orders delivered on time (in this case, measured as a percentage) with respect to each of a *plurality* of start point/end point pairs (e.g., OS-CFD is one pair, while OC-SRD is another pair, and OC-DTO is yet a third pair). For each of these start point/end point pairs, the report of Fig. 4 shows a respective number of orders delivered on time (for instance, 13% for the OS-CFD pair; 95% for the OC-SRD pair; and 85% for the OC-DTO pair).

For at least these reasons, Martin fails to anticipate claim 1.

The Examiner further alleges in the Final Office Action that Appellant’s remarks in the response filed August 24, 2004, relied on features disclosed in the specification but not recited in the claims (see Final Office Action, p. 2). However the examples discussed in Appellant’s response were simply that – examples of embodiments consistent with claim 1. Claim 1 clearly includes the recitation referred to in Appellant’s patentability arguments (i.e., that the start and end points correspond to points along an order fulfillment process).

The Examiner further argues that the claim recitation in question is not limiting as it is not functionally involved in the recited steps and does not alter the recited structural elements. The Examiner alleges that the recited method steps would be performed the same regardless of the specific data. Appellant respectfully disagrees. The recited step of generating may utilize different calculations and make different decisions depending upon which particular start and end points along the order fulfillment process are used. The Examiner refers to “descriptive material,” presumably alleging that the start and end points are represented by merely descriptive

material such as computer data. However, the fact that an element represents information does not make the element merely descriptive material; the information about the start/end points can affect both the implementation and the result of the generating step (e.g., different reports may be generated depending upon what the start and end points are). This feature of claim 1 therefore cannot be ignored.

Independent claims 5, 24, and 28 are also allowable over Martin for at least similar reasons as claim 1, and further in view of the differing features recited therein.

Claims 3, 4, 7, 8, 26, 27, 30, 31, and 47 are also allowable by virtue of their dependence from allowable independent claims, and further in view of the additional features recited therein.

Claims 2, 6, 25, and 29

Claims 2, 6, 25, and 29 are also allowable by virtue of their dependence from allowable independent claims, and further in view of the additional features recited therein. For example, claims 2, 6, 25, and 29 each recites that the on time performance reports also include a number of line items delivered on time by the first supplier with respect to each of the plurality of start point/end point pairs.

The Examiner alleges that the charts at col. 5, lns. 25-32 of Martin disclose the above-recited feature. This portion of Martin contains three charts; the first chart is used if a customer measures performance in terms of dollars, the second chart is used if the customer measures performance in terms of units, and the third chart is used if the customer measures performance in terms of shipments or line items. Neither dollars, units, nor shipments/line items are start/end points as claimed. Indeed, none of these charts refer in any way to line items delivered on time by a first supplier with respect to each of the plurality of start point/end point pairs.

Even ignoring for the moment that Martin does not even teach the claimed start points in the first place, these charts totally lack the claimed line items. As to the first chart, “Total Dollar Shipments” is the first line item, “On-Time Shipments” is the second line item, and “Percentage On-Time” is the third line item. None of these line items relate to each of a plurality of start/end point pairs as claimed. As to the second chart, “Total Units Shipped” is the first line item, “On-Time Units” is the second line item, and “Percentage On-Time” is the third line item. Again, none of these line items relate to each of a plurality of start/end point pairs as claimed. As to the

third chart, “Total Shipments” is the first line item, “On-Time Shipments” is the second line item, and “Percentage On-Time” is the third line item. Again, none of these line items relate to each of a plurality of start/end point pairs as claimed.

For at least these additional reasons, claims 2, 6, 25, and 29 are allowable over Martin.

2. Claims 9-23 Are Not Obvious Over Martin

The Final Office Action rejects claims 9-23 as being obvious over Martin. Appellant respectfully traverses this rejection for the reasons stated below.

Claims 9-13, 15-21, and 23

Independent claims 9 and 18 are also allowable over Martin. For example, claim 9 recites, *inter alia*:

storing in a database summarized purchase order data from a plurality of buyers, the summarized purchase order data comprising a plurality of records, *each record in the plurality of records including a supplier, a buyer, a one of a plurality of start point/end point pairs for measuring on time delivery, a number of orders placed, and a number of orders delivered on time, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start point/end point pairs can be different from each other for at least one buyer*, and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process.

(Italics added). The Examiner concedes that Martin fails to teach or suggest storing purchase order data in the manner claimed, and instead offers to modify Martin to have this claimed feature:

It would have been obvious to one of ordinary skill in the art to generate a database with the summarized purchase order data for each customer containing the number of orders places and number delivered on time, as well as, the supplier, the buyer, and the start/end point pairs used to measure the on time delivery to enable the user to more accurately evaluate the on-time performance of shipments between customers and suppliers.

Final Office Action, pp. 7-8. The Examiner is assuming, however, that Martin uses a plurality of start point / end point pairs. As discussed previously with regard to claim 1, this assumption is

incorrect. Because Martin does not utilize a *plurality* of start point / end point pairs (as discussed previously), and because Martin does not generate reports that include information with respect to the plurality of start point / end point pairs, there simply would have been no motivation to modify Martin in the specific manner proposed by the Examiner.

Moreover, the Examiner has offered no evidence that one would have determined, at the time of Appellant's invention, that the proposed modification would have been desirable at all. Nor is there any evidence that the prior art teaches that the proposed modification would even have enabled a user "to more accurately evaluate the on-time performance of shipments between customers and suppliers" (without the benefit of Appellant's own specification), as the Examiner conveniently concludes. Indeed, the Examiner offers no prior art other than Martin, and it appears that the only resource from which the Examiner might have drawn such a conclusion is Appellant's own specification. This amounts to improper hindsight.

Instead of alleging a genuine motivation *in the prior art* to modify Martin to be configured in the particular manner claimed, the Examiner is improperly benefiting from 20/20 hindsight using Appellant's own specification to arrive at the particular claimed configuration. There is simply no teaching or suggestion of the specifically claimed combinations of features, nor is there any motivation in the prior art to combine features in the specific way claimed. As held by the U.S. Court of Appeals for the Federal Circuit, "[i]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teaching of the prior art...." *In re Fritch*, 972 F.2d 1260, 1266 (quoting *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988)). Yet this is exactly what the Examiner is attempting to do, but even worse; the Examiner has not shown that prior art even teaches all the pieces of the claimed invention.

For these additional reasons, it is submitted that a *prima facie* case of obviousness has not been made as to the rejection of independent claims 9 and 18.

Claims 10-13, 15-17, 19-21, and 23 are also allowable by virtue of their dependence from allowable independent claims, and further in view of the additional features recited therein.

Claims 14 and 22

Claims 14 and 22 are also allowable by virtue of their dependence from allowable independent claims, and further in view of the additional features recited therein. In addition, as to claims 14 and 22, the Examiner has failed to set forth a *prima facie* case of obviousness, because the Examiner relies on improper hindsight to modify Martin to conveniently match the claimed invention:

Although Martin et al does not explicitly teach generating the total number of orders that were delivered on time for a first second or third subset of the records, it would have been obvious to generate a database showing, for each order placed between a customer and supplier, all the information to generate the on time performance to allow the user to more accurately evaluate the on time performance of shipments between several combinations of suppliers and customers.

(Final Office Action, p. 10).

Again, instead of alleging a genuine motivation in the prior art to modify Martin to be configured in the particular manner claimed, the Examiner is improperly benefiting from twenty-twenty hindsight using Applicant's own specification to arrive at the particular claimed configuration. There is simply no teaching or suggestion of the specifically claimed combinations of features, nor is there any motivation in the prior art to combine features in the specific way claimed. For at least these reasons, the rejection of claims 14 and 22 is improper and should be withdrawn.

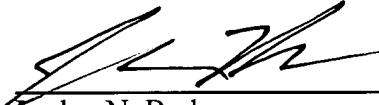
CONCLUSION

For all of the foregoing reasons, Appellant respectfully submits that the final rejection of claims 1-31 and 47 is improper and should be reversed.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: June 30, 2005

By:


Jordan N. Bodner
Registration No. 42,338

1001 G Street, N.W.
Washington, D.C. 20001-4597
Tel: (202) 824-3000
Fax: (202) 824-3001

CLAIMS APPENDIX
37 C.F.R. § 41.37(c)(1)(viii)

Claims involved in the appeal:

1. (Previously Presented) A method for reporting supplier on time performance comprising:

storing purchase order data in a data base; and

generating on time performance reports from the purchase order data, the on time performance reports including a number of orders delivered on time by a first supplier with respect to each of a plurality of start point/end point pairs, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start point/end point pairs can be different from each other for at least one buyer, and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process.

2. (Original) The method of claim 1 wherein the on time performance reports also include a number of line items delivered on time by the first supplier with respect to each of the plurality of start point/end point pairs.

3. (Original) The method of claim 1 wherein the number of orders delivered on time is a percentage.

4. (Original) The method of claim 2 wherein the number of orders delivered on time is a percentage and the number of line items delivered on time is a percentage.

5. (Previously Presented) A system for reporting supplier on time performance comprising:

at least one computer;

first executable code for storing purchase order data in a data base; and second executable code for generating on time performance reports from the purchase order data, the on time performance reports including a number of orders delivered on time by a first supplier with respect to each of a plurality of start point/end point pairs, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start point/end point pairs can be different from each other for at least one buyer, and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process.

6. (Original) The system of claim 5 wherein the on time performance reports also include a number of line items delivered on time by the first supplier with respect to each of the plurality of start point/end point pairs.

7. (Original) The system of claim 5 wherein the number of orders delivered on time is a percentage.

8. (Original) The system of claim 6 wherein the number of orders delivered on time is a percentage and the number of line items delivered on time is a percentage.

9. (Previously Presented) A method for reporting supplier on time performance comprising:

storing in a database summarized purchase order data from a plurality of buyers, the summarized purchase order data comprising a plurality of records, each record in the plurality of records including a supplier, a buyer, a one of a plurality of start point/end point pairs for measuring on time delivery, a number of orders placed, and a number of orders delivered on time, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start

point/end point pairs can be different from each other for at least one buyer, and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process;

for a first subset of the plurality of records, each record in the first subset including a first of the plurality of start point/end point pairs and a first supplier, summing together the number of orders placed included in each record of the first subset to obtain a first total number of orders placed with the first supplier for which the first start point/end point pair is used to measure on time delivery;

for the first subset of the plurality of records, summing together the number of orders delivered on time to obtain a number of the first total number of orders that were delivered on time;

for a second subset of the plurality of records, each record of the second subset including a second of the plurality of start point/end point pairs and the first supplier, summing together the number of orders placed included in each record of the second subset to obtain a second total number of orders placed with the first supplier for which the second start point/end point pair is used to measure on time delivery;

for the second subset of the plurality of records, summing together the number of orders delivered on time to obtain a number of the second total number of orders that were delivered on time; and

reporting to the plurality of buyers the first total number of orders, the number of the first total number of orders that were delivered on time, the second total number of orders, and the number of the second total number of orders that were delivered on time.

10. (Original) The method of claim 9 further comprising:

for a third subset of the plurality of records, each record in the third subset including the first of the plurality of start point/end point pairs, the first supplier, and a first of the plurality of buyers, summing together the number of orders placed included in each record of the third subset to obtain a third total number of orders, the third total number of orders being a number of orders placed by the first buyer with the first supplier for which the first start point/end point pair is used to measure on time delivery;

for the third subset of the plurality of records, summing together the number of orders delivered on time to obtain a number of the third total number of orders that were delivered on time; and

reporting to the plurality of buyers the third total number of orders and the number of the third total number of orders that were delivered on time.

11. (Original) The method of claim 9 wherein the number of the first total number of orders that were delivered on time is a percentage and the number of the second total number of orders that were delivered on time is a percentage, the method further comprising:

dividing the number of the first total number of orders that were delivered on time by the first total number of orders and multiplying the result by 100; and

dividing the number of the second total number of orders that were delivered on time by the second total number of orders and multiplying the result by 100.

12. (Original) The method of claim 10 wherein the number of the first total number of orders that were delivered on time is a percentage, the number of the second total number of orders that were delivered on time is a percentage, and the number of the third total number of orders that were delivered on time is a percentage, the method further comprising:

dividing the number of the first total number of orders that were delivered on time by the first total number of orders and multiplying the result by 100;

dividing the number of the second total number of orders that were delivered on time by the second total number of orders and multiplying the result by 100; and

dividing the number of the third total number of orders that were delivered on time by the third total number of orders and multiplying the result by 100.

13. (Original) The method of claim 10 wherein the third subset of the plurality of records consists of a single record.

14. (Original) The method of claim 9 wherein the summarized purchase order data is also from a plurality of suppliers, the method further comprising:

for a third subset of the plurality of records, each record in the third subset including a first of the plurality of start point/end point pairs and a second supplier, summing together the number of orders placed included in each record of the third subset to obtain a third total number of orders, the third total being a total number of orders placed with the second supplier for which the first start point/end point pair is used to measure on time delivery;

for the third subset of the plurality of records, summing together the number of orders delivered on time included in each record of the third subset to obtain a number of the third total number of orders that were delivered on time; and

reporting to the plurality of buyers and the plurality of suppliers the first total number of orders, the number of the first total number of orders that were delivered on time, the second total number of orders, the number of the second total number of orders that were delivered on time, the third total number of orders and the number of the third total number of orders that were delivered on time.

15. (Original) The method of claim 9 wherein each of the plurality of records in the summarized purchase order data also includes a number of line items and a number of line items delivered on time, the method further comprising:

for the first subset of the plurality of records, summing together the number of line items included in each record of the first subset to obtain a first total number of line items ordered from the first supplier for which the first start point/end point pair is used to measure on time delivery;

for the first subset of the plurality of records, summing together the number of line items delivered on time to obtain a number of the first total number of line items that were delivered on time; and

reporting to the plurality of buyers the first total number of line items and the number of the first total number of line items that were delivered on time.

16. (Original) The method of claim 14 wherein the number of the first total number of orders that were delivered on time is a percentage, the number of the second total number of

orders that were delivered on time is a percentage, and the number of the third total number of orders that were delivered on time is a percentage, the method further comprising:

dividing the number of the first total number of orders that were delivered on time by the first total number of orders and multiplying the result by 100;

dividing the number of the second total number of orders that were delivered on time by the second total number of orders and multiplying the result by 100; and

dividing the number of the third total number of orders that were delivered on time by the third total number of orders and multiplying the result by 100.

17. (Original) The method of claim 15 wherein the number of the first total number of orders that were delivered on time is a percentage, the number of the second total number of orders that were delivered on time is a percentage, and the number of the first total number of line items that were delivered on time is a percentage, the method further comprising:

dividing the number of the first total number of orders that were delivered on time by the first total number of orders and multiplying the result by 100;

dividing the number of the second total number of orders that were delivered on time by the second total number of orders and multiplying the result by 100; and

dividing the number of the first total number of line items that were delivered on time by the first total number of line items and multiplying the result by 100.

18. (Previously Presented) A system for reporting supplier on time performance comprising:

at least one computer;

first executable code for storing in a database summarized purchase order data from a plurality of buyers, the summarized purchase order data comprising a plurality of records, each record including a supplier, a buyer, a one of a plurality of start point/end point pairs for measuring on time delivery, a number of orders placed, and a number of orders delivered on time, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start

point/end point pairs can be different from each other for at least one buyer, and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process;

second executable code for, with respect to a first subset of the plurality of records, each record in the first subset including a first of the plurality of start point/end point pairs and a first supplier, summing together the number of orders placed included in each record of the first subset to obtain a first total number of orders placed with the first supplier for which the first start point/end point pair is used to measure on time delivery;

third executable code for, with respect to the first subset of the plurality of records, summing together the number of orders delivered on time to obtain a number of the first total number of orders that were delivered on time;

fourth executable code for, with respect to a second subset of the plurality of records, each record of the second subset including a second of the plurality of start point/end point pairs and the first supplier, summing together the number of orders placed included in each record of the second subset to obtain a second total number of orders placed with the first supplier for which the second start point/end point pair is used to measure on time delivery;

fifth executable code for, with respect to the second subset of the plurality of records, summing together the number of orders delivered on time to obtain a number of the second total number of orders that were delivered on time; and

sixth executable code for assembling a report, the report including the first total number of orders, the number of the first total number of orders that were delivered on time, the second total number of orders, and the number of the second total number of orders that were delivered on time;

wherein the first, second, third, fourth, fifth and sixth executable code is in an electronically readable medium accessible to the at least one computer.

19. (Original) The system of claim 18 further comprising:

seventh executable code for, with respect to a third subset of the plurality of records, each record in the third subset including the first of the plurality of start point/end point pairs, the first supplier, and a first of the plurality of buyers, summing together the number of

orders placed included in each record of the first subset to obtain a third total number of orders placed by the first buyer with the first supplier for which the first start point/end point pair is used to measure on time delivery; and

eighth executable code for, with respect to the third subset of the plurality of records, summing together the number of orders delivered on time to obtain a number/percentage of the third total number of orders that were delivered on time;

wherein the report assembled by the sixth executable code also includes the third total number of orders and the number of the third total number of orders that were delivered on time; and

wherein the seventh and eighth executable code is also in an electronically readable medium accessible to the at least one computer.

20. (Original) The system of claim 18 wherein the number of the first total number of orders that were delivered on time is a percentage and the number of the second total number of orders that were delivered on time is a percentage, the system further comprising:

seventh executable code for dividing the number of first total number of orders delivered on time by the first total number of orders and multiplying the result by 100; and

eighth executable code for dividing the number of the second total number of orders that were delivered on time by the second total number of orders and multiplying the result by 100;

wherein the seventh and eighth executable code is also in an electronically readable medium accessible to the at least one computer.

21. (Original) The system of claim 19 wherein the number of the first total number of orders that were delivered on time is a percentage, the number of the second total number of orders that were delivered on time is a percentage, and the number of the third total number of orders that were delivered on time, the system further comprising:

ninth executable code for dividing the number of first total number of orders that were delivered on time by the first total number of orders and multiplying the result by 100;

tenth executable code for dividing the number of the second total number of orders that were delivered on time by the second total number of orders and multiplying the result by 100;

eleventh executable code for dividing the number of the third total number of orders that were delivered on time by the third total number of orders and multiplying the result by 100;

wherein the ninth, tenth, and eleventh executable code is also in an electronically readable medium accessible to the at least one computer.

22. (Original) The system of claim 18 wherein the summarized purchase order data is also from a plurality of suppliers, the system further comprising:

seventh executable code for, with respect to a third subset of the plurality of records, each record in the third subset including a first of the plurality of start point/end point pairs and a second supplier, summing together the number of orders placed included in each record of the first subset to obtain a first total number of orders placed with the second supplier for which the first start point/end point pair is used to measure on time delivery; and

eighth executable code for, with respect to the third subset of the plurality of records, summing together the number of orders delivered on time to obtain a number of the third total number of orders delivered on time;

wherein, the report assembled by the sixth executable code also includes the third total number of orders and the number of the third total number of orders that were delivered on time; and

wherein the seventh and eighth executable code is also in an electronically readable medium accessible to the at least one computer.

23. (Original) The system of claim 18 wherein each of the plurality of records in the summarized purchase order data also includes a number of line items and a number of line items delivered on time, the system further comprising:

seventh executable code for, with respect to the first subset of the plurality of records, summing together the number of line items included in each record of the first subset to

obtain a first total number of line items ordered from the first supplier for which the first start point/end point pair is used to measure on time delivery; and

eighth executable code for, with respect to the first subset of the plurality of records, summing together the number of line items delivered on time to obtain a number of the first total number of line items delivered on time;

wherein the report assembled by the sixth executable code also includes the first total number of line items and the number of the first total number of line items that were delivered on time; and

wherein the seventh and eighth executable code is also in an electronically readable medium accessible to the at least one computer.

24. (Previously Presented) A system for reporting supplier on time performance comprising:

means for generating on time performance reports from purchase order data, the on time performance reports including a number of orders delivered on time by a first supplier with respect to each of a plurality of start point/end point pairs, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start point/end point pairs can be different from each other for at least one buyer, and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process.

25. (Original) The system of claim 24 wherein the on time performance reports also include a number/percentage of line items delivered on time by the first supplier with respect to each of the plurality of start point/end point pairs.

26. (Original) The system of claim 24 wherein the number of orders delivered on time is a percentage.

27. (Original) The system of claim 25 wherein the number of orders delivered on time is a percentage and the number of line items delivered on time is a percentage.

28. (Previously Presented) A computer program product in an electronically readable medium, the computer program product comprising:

executable code for generating on time performance reports from purchase order data, the on time performance reports including a number of orders delivered on time by a first supplier with respect to each of a plurality of start point/end point pairs, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start point/end point pairs can be different from each other for at least one buyer, and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process.

29. (Original) The computer program product of claim 28 wherein the on time performance reports also include a number of line items delivered on time by a first supplier with respect to each of a plurality of start point/end point pairs.

30. (Original) The computer program product of claim 29 wherein the number of orders delivered on time is a percentage.

31. (Original) The computer program product of claim 30 wherein the number of orders delivered on time is a percentage and the number of line items delivered on time is a percentage.

47. (Previously Presented) The method of claim 1, further comprising:
collecting information from a supplier or a customer during a normal course of a business operation, the information relating to the order fulfillment process; and
determining the purchase data from the information.

EVIDENCE APPENDIX
37 C.F.R. § 41.37(c)(1)(ix)

NONE

RELATED PROCEEDINGS APPENDIX
37 C.F.R. § 41.37(c)(1)(x)

NONE.